

Road Safety Warrants an Urgent Ordinance

There could be no political objections to the move

India tops the global charts in road fatalities and injuries: in 2015, there were 1.3 million road fatalities across the world, of these, 1,46,133 persons died in India. Another 5,00,279 were injured. The legislative intervention to ameliorate this situation, the Motor Vehicles (Amendment) Bill that raises penalties for violations, and introduces measures for improving road safety, however, is not yet a law. The Rajya Sabha was unable to take up the Bill to address this man-made epidemic before it was adjourned earlier this month. The government could issue an Ordinance to raise the penalties, and have it ratified in the Monsoon session of Parliament, given the epidemic-level toll of road accidents.

The Bill as passed by the Lok Sabha focuses on safety of children during commute, protection of vulnerable road users such as pedestrians and children, and provision of special lanes for non-motorised transport like bicycles. Electronic monitoring and enforcement of road safety will reduce the role of human frailties, including corruption. A unified driver licensing and vehicle registration system that yields a national database, higher penalties for violations, higher compensation for hit-and-run cases and treating offences by juveniles as a separate category will augment safety. The provision for vehicle recall will make manufacturers accountable and ensure the improvement of standards. Incorporating the Good Samaritan guidelines gives legal backing to protection from civil and criminal liability to those who come to the aid of road accident victims. Further amendments to provide for scientific investigation of accidents and data collection, penalties for faulty road design and engineering and mandatory training for all drivers would be in order.

Considering the high human cost that road accidents currently exact, it can be hoped that no political party will object to tightening the law to improve road safety. The menace of drunken driving has to be tackled by tough action under the Motor Vehicles Act, not by killing the hospitality industry. The Supreme Court should be apprised of the proposed changes to the law.



Change Incentives, Not the Exhortation

Addressing civil servants, home minister Rajnath Singh cautioned them against acting as yes-men to their political masters. Show them the rule book, he urged the upper crust of the nation's administrators, in case they ask you to do something illegal. Be firm, and refuse to sign off on files if you think the contents are not proper, he said. These are fine words and noble sentiments. But for them to have operative effect, the rules and regulations that guide the work life of our civil servants must be modified. That is something that the political leadership has to bring about, even if through the civil service.

Today, civil servants have a skewed incentive structure. Make the least mistake and you could end up paying a steep price.

If you take no risks and accomplish little other than warming your comfortable seat in some centre or the other of state power, you are assured of steady progress in your career. This must change. There must be positive incentives for doing good work and penalties for being little more than a living demonstration of Newton's law of inertia. This calls for changing service rules, removing assured, seniority-based promotions and introduction of retirement from service on failing to get promoted beyond a point, as it happens in the armed forces. Good work must be recognised and rewarded with promotions, and bad work, with exit from the service on not being promoted.

The Fifth Pay Commission had recommended measures to ensure that civil servants had fixed tenures and could be transferred only on the basis of a decision by a high-powered committee for recorded reasons. That recommendation was not accepted then. It deserves to be implemented, in letter and spirit, even now. Words might inspire but policy will bring about change.



An Understandable Court Judgement

Knowledge, they say, is power. Comprehension, however, is not inevitable. Nowhere is this more evident than in the legal sphere. The layman is routinely awed not so much by the sheer majesty of law than its impenetrability. Lawyers derive half their importance from their ability to translate legalese into a language that we all can understand. It stands to reason, therefore, that they have a vested interest in keeping the language as turgid as possible. So, it is commendable that the honourable Supreme Court has once again stepped into the breach and come to the aid of the befuddled citizen by overturning a Himachal High Court judgement on a tenancy dispute on the grounds that it could not be understood. The HC has been directed to hear the case afresh and, presumably, the judgement will keep in mind the spirit of the SC's decision.

Indeed, in a sphere that sees a fair profusion of multi syllable words, the impugned judgement does stand out for its near-total absence of any simple words. Unfortunately, it is not the only one of its kind. There have been previous instances, notably on the Arushi Talwar murder case, where the judgement has come in for considerable flak on the grounds of inscrutability. Could there be a public interest litigation in the Supreme Court one day on the plight of those affected by abstruse and opaque judgements by courts at all levels?

We must thank the SC for overturning an incomprehensible high court order

One man's cacophonous noise can be another man's charming quaint sounds

It's the Singer, Not the Song



Palash Krishna Mehrotra

The story goes something like this: a Bollywood singer puts out an angry tweet at being woken up by the sounds of azaan on the loudspeaker. A cleric promptly issues a fatwa, offering a prize of ₹10 lakh to anyone who would tansure the singer and garland him with shoes.

The singer gets himself tonsured and demands he be paid the amount. The cleric is not satisfied with the singer's gesture, "He only heard half the fatwa. I'd also mentioned a garland of old shoes."

The singer in question is Sonu Nigam. For the longest time, I thought that Sonu Nigam was musician Palash Sen. It turns out, this isn't the case. I first heard about the incident when a right-wing friend messaged me, grumbling about a girl on Tinder he had matched with. He mentioned an argument with her about Sonu Nigam and ended by saying, "All you pseudo-intellectuals are the same."

I said to him, "Nowadays, liberals call each other that. I don't think that easy dichotomy works any more." Once I was aware of the facts of the case, I took great offence at Mr Nigam's gratuitous tonsuring of his head, what I took as his appropriation of my own baldness. If you are a rich man, you don't go and burn your cash in front of a row of paupers. It's not decent.

Once I had overcome my trauma, I realised that this issue of the azaan

bothering Nigam was not so much about religion but about noise. And, more importantly, about what kinds of noises we like to wake up to. I love noise. I go to bed with the television blaring. I wake up to BBC's digital station, Six Music.

Nigam clarified that his problem was with loudspeakers and not with any specific religion. I've lived briefly in a flat just behind Mandir-Masjid in Mumbai's Versova. The battle of the bands can drive any sane person mad. Bollywood scriptwriters churn out scripts in this musical maelstrom.

The azaan is brief, but what about the jagraata dark night of the soul? Jagraatas are less about religion and more about showing off one's wealth. It has its advantages. Every once in a while, one hears of the odd guitarist in an Indian band who has emerged from the jagraata scene.

Listen to, & Don't be, a Cuckoo
Growing up in Allahabad, I'd study for my annual exams, our flat besieged by loudspeakers blaring, 'Ramba ho ho ho...' It was Holi. The loudspeakers came with the colours. This went on for three days.

In a noisy country like India, you can't complain about noise too much. One can be woken up by a spectrum of secular sounds. In college in Delhi, I'd wake up to a hundred angry birds muttering in the tree outside. In summer, one's afternoon slumber can be interrupted by the insistent relentless call of the cuckoo bird. There is the kabadiwala's shrill cry at 8:00 a.m., "Paper, botal, raddi vaaleya."

Put yourself where I am. In Dehradun, in a room with six windows. Once, while writing to a deadline, I could hear diverse sounds streaming in from each rectangle. A tuition teacher was spewing a Shakespeare tutorial at her wards, "and then Banquo said... Somewhere in the Valley, Honey Singh was singing, 'Paani, paani,



Drowning out the noise

paani.' Parikrama struck up a Pink Floyd chord to the right (they were performing live). To the left, a politician was braying at his supporters at a rally in Parade Ground. And finally, a familiar voice started up, singing kirtans on a loudspeaker.

I realised, with some horror, that this last voice belonged to my grand-mother who was visiting the bhajan hall next door.

On one occasion, I had an Irish friend visiting, who seemed a trifle irritated by the morning azaan, just like Sonu. I reminded him that in Oxford, we were quite used to church bells chiming all day and all night and at the top of their toll, so to speak.

We didn't mind because it was melodious, almost soulful. My problem with Indian religious singing is an aesthetic one. There seems to be no proper selection process, like in a church choir. Mosques and temples croak and bawl at each other in jarring tuneless voices.

Noise is all around us. The hydraulic screeching of antiquated buses and trucks. The drill. The marble-cutter. Indians being argumentative.

Peace, Not Piece, of Mind

Think about what V S Naipaul once said about Ruskin Bond, "I have read nothing like that from India... It's very simple. He's writing about solitude, tremendous solitude. He himself doesn't say it. He leaves it all to you to pick up. I haven't read another book about solitude from India. In a way, from this great subcontinent full of people, to write a book about solitude is quite an achievement."

Nigam, on waking up, should read a page from Bond's Scenes From a Writer's Life, which Naipaul was referring to. It will help him find that quiet space within. Ruskin Bond, in the meanwhile, will wake up peacefully in Landour, to the charming quaint sounds of the muezzin's morning call.

It's about what kinds of noises we like to wake up to. I love noise. I go to bed with the television blaring. I wake up to BBC's digital station, Six Music

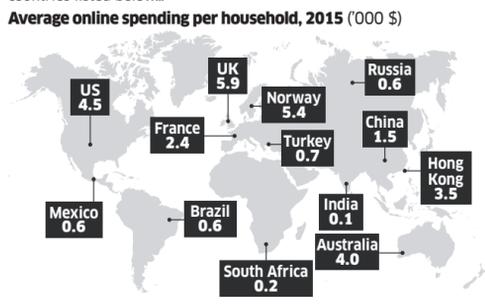
WIT & WISDOM

"Painting, n.: The art of protecting flat surfaces from the weather, and exposing them to the critic."

Ambrose Bierce
Writer

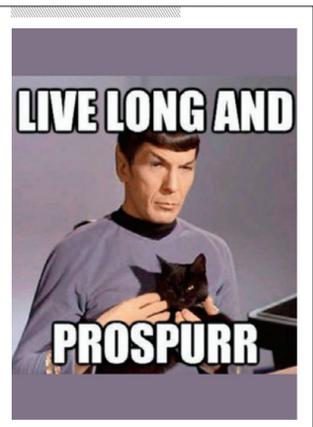
Brits Top Online Spenders

Online shoppers in Britain spend more per household than consumers in any other country, according to a report by the UK Cards Association. In contrast, the average spending is below \$1,000 in almost half the countries listed below...



Source: The UK Cards Association, GlobalData, Online Consumer Payments Analytics Survey

MEME'S THE WORD



VIJAY MALLYA

King, Not Kingfisher, at Fault



G R Gopinath

The Vijay Mallya saga continues to provide grist to rumour mills, generating lively debates in drawing rooms and TV studios across the country. On April 18, within minutes of the news of his arrest in London, social media was agog. Mallya was quick to respond with a tweet, 'Usual Indian media hype. Extradition hearing in court started today as expected.' Within hours of his arrest, Mallya was released on bail.

All this buzz has only ended up setting up a smokescreen on the real issue. The glamorous tycoon, now in exile in Britain and whose Kingfisher Airlines went bankrupt, is under siege from banks and others to whom the airline owed money. It was not his proprietary company but a publicly listed one. Mallya was the promoter and had a controlling stake. But like many Indian-listed companies controlled by families, Mallya ran it like his private company.

The board of directors are perfunctory. Even independent directors are there because it's a statutory requirement, as well as a way of adding prestige to the promoter as a showpiece. They rarely perform their functions of upholding probity and protecting minority rights. Nor are they expected to by the promoter or controlling shareholders who appoint them.

That is where there is a flaw. The moment the least mark of independence is shown by independent directors, and they raise concerns on any impropriety, they are shown the door. But this is not uncommon in India. Propriety, conflicts of interest and respect for minority shareholders

are shown scant disregard. Mallya was no exception to this 'tradition'. But when family-controlled businesses dip into the company coffers at will, to transfer funds through their other cross-holding companies, even the minority shareholders with a sizeable stake and the public who hold stock do not complain — as long as they get attractive returns. This is a tacit understanding.

The market regulator and other statutory bodies have not been known to deal with vigour with such delinquency as they do in the West. Reforms to make such misdemeanours punishable are still ongoing and more needs to be done. The common shareholders treat such transgressions by the promoter approvingly, if the latter is 'smart' enough to 'pay' to have bottlenecks removed.

The public who invest in stocks instinctively realise which promoter has those attributes and excel in

bending the rules to their advantage. Such promoters are actually looked up to as dashing entrepreneurs. Some of those funds can also end up in the private pockets of promoters. All impropriety on the part of the promoters is forgiven by the public, the banks and authorities — as long as the loans are paid, statutory dues are cleared, the company prospers and share prices zoom.

The continued devil-may-care attitude by Mallya, while his company had mounting bank overdrafts, tax arrears and piled-up unpaid salaries, was what really did him in. It was this lack of proportion, absence of a sense of decorum and brazen insensitivity that caused consternation in the middle class, the same section in society whose members get hauled up by banks for missing an instalment on their housing mortgage.

Mallya became an embarrassment to the political establishment and

the banks went after him. This was especially ironic, since many bankers were on the Kingfisher Airlines' board and were complicit and complicit as they are usually with big business. The banks, like everyone else, were taken unawares by Mallya's free fall because they made the same mistake: they fell for the 'He is too big to fail' line.

When the cookie crumbled, the tragedy was that everyone forgot the company, Kingfisher Airlines. It had 10,000 employees, it had twice the domestic market share of Air India at 36%, twice the network connecting 80 airports of which 30 were regional towns like Kolhapur, Bellary and Dharamsala. (IndiGo, the largest airline, even today connects only 40 cities and towns.)

The then-UPA government and banks should have focused to save a national asset, its infrastructure and jobs. It should have firmed up national connectivity to remote areas, which the present government is now trying to revive through the UDAN (Ude Desh ka Aam Nagrik) connectivity subsidy scheme that takes off in Shimla on April 27.

The bank debt could have been easily converted to equity, and Mallya removed from the management. Under a new management, the airline could have been put on auction as it was a listed company. Mallya could have been investigated for any fraud, and any shortfall in debt-equity conversion could have still been pursued.

That would have saved the airline and jobs, and banks would have more than recovered all their money. Kingfisher's debt was ₹6,000 crore. If Air India and its employees could be saved by pumping in more than ₹50,000 crore, why not Kingfisher?

There's a lesson for the authorities and banks in the Vijay Mallya episode: do not punish the company for the sins of the promoter.



The background was more important

The writer is founder, Air Deccan



the speaking tree

Earth Day and Welfare

ARUN SINHAWE

Spiritual practices are the best ways to demonstrate kindness and courtesy toward mother Earth and to express our gratitude. Catholic writer Ernesto Cardenal in Abide in Love observes, "Everything in nature has a trademark." God's fingerprints are seen in nature: like marks on a shell and the stripes on a zebra; the grain of the wood and the veins of the dry leaf; the markings on the dragonfly's wings and the pattern of stars on a photographic plate; the panther's coat and the epidermal cells of the lily petal; the structure of atoms and galaxies.

Earth provides enough to satisfy every man's need, but not every man's greed, said MK Gandhi. Pollution, human-made disasters and wars are shocking us into living lightly and respectfully to bring new life to the land, restore the waters, refresh the air, renew forest resources and protect all life.

The celebration of Earth Day addresses the essential connection between stewardship and spiritual practice, and to follow a sustainable lifestyle. The cleaning of rivers like the Ganga and its tributaries, reservoirs and water bodies is part of our spiritual journey to consciously make friends with the environment and adopt practices like composting, reusing, recycling, repairing and conserving water and energy resources sustainably.

It is heartbreakingly clear that our loss of soul is, in part, a reflection of our desecration of the Earth. It is our moral duty to transform the mundane into the sacred for sustainable living by simplifying our lives.

Citings

Longevity Analysed

SANJAY GUPTA

Obviously, we don't all age at the same rate. Our clocks tick at different speeds. One person may be spry at eighty, while a second may be bedridden. Even in the same individual, change can occur at different speeds. Someone may be mentally sharp but suffer from heart disease. Another person may have weak eyes but healthy lungs.

If we are lucky enough to make it to old age, we will certainly have a combination of strengths and weaknesses, compared to our peers... We humans are relatively lucky. The longest-lived lion only makes it 30 years. Monkeys can live to 50 and eagles to 80. Only the turtle appears to have beaten us on the longevity scale, with a maximum lifespan of about 150 years.

Not all creatures suffer the indignities of ageing, though. Alligators, Galapagos tortoises, sharks, sturgeons and lobsters keep on growing throughout their lives and show no obvious loss of function as they get older. The 50-year-old lobster will reportedly snap its claw closed just as quickly as a younger lobster.

Another important point: most of us would not choose to live longer for its own sake. We want to live longer, but we want a sound mind and at least a minimally functional body when we do. Given the choice, most of us would surely choose to live like an incandescent bulb — shining brightly until the moment the light goes out.

From "Chasing Life: New Discoveries in the Search for Immortality to Help You Age Less Today"

Chat Room

Think Green on Earth Day Today

We celebrate World Earth Day on April 22 to demonstrate support for environmental protection. Constant research makes it possible to produce new products, but we lag in making environment-friendly products. Let us make products like the edible cone in cone ice-cream, where the cone too is consumed, unlike ice-cream served in a cup with a plastic spoon, which are difficult to dispose of and lead to littering on the roads. The earth is like an inherited family jewel and we cannot leave an empty shelf for our future generations. We need to preserve mother earth by inventing and popularising more environment-friendly products.

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